

IOWA PUBLIC INFORMATION BOARD[497]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 23.6, the Iowa Public Information Board hereby gives Notice of Intended Action to amend Chapter 8, “Open Meetings,” Iowa Administrative Code.

This amendment reflects the March 25, 2015, decision of the Iowa Court of Appeals in James W. Olinger and Larry C. Meyer vs. Robert Smith, Walter Utman and Gaylord Pitt, Harrison County, Iowa and Utman Drainage District in which the Court opined that when a governmental body holds a closed session under Iowa Code section 21.5(1)“c,” the legal counsel for the governmental body is required to be present.

Any interested person may make written suggestions or comments on the proposed amendment on or before October 20, 2015, by contacting Charlie Smithson, Executive Director, Iowa Public Information Board, Wallace State Office Building, Third Floor, 502 East Ninth Street, Des Moines, Iowa 50319. Comments may be submitted by e-mail to Charlie.Smithson@iowa.gov.

The proposed amendment does not contain a waiver provision as the amendment implements a judicial decision interpreting the applicable law.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code section 21.5.

The following amendment is proposed.

Adopt the following **new** rule 497—8.2(21,23):

497—8.2(21,23) Closed session.

8.2(1) *Who may attend.* A governmental body has the discretion as to who it may invite to attend a closed session. However, if the governmental body holds a closed session under Iowa Code section 21.5(1)“c” to discuss strategy with counsel, the legal counsel for the governmental body shall be in attendance at the closed session either in person or by electronic means.

8.2(2) Reserved.

This rule is intended to implement Iowa Code section 21.5.